



Rudy J. Casillas
Racing Division Director

AGENDA

Pursuant to A.R.S. § 38-431.03(A)(3), the Commission may vote to go into Executive Session for the purpose of obtaining legal advice from its attorney on any matter listed on the agenda. Any such Executive Session will not be open to the public.

A. Call to Order of the August 9, 2018 Special Telephonic Meeting of Arizona Racing Commission at 10:02 AM.

Commissioners Present Telephonically:

Chair Jay McClintock
Vice Chair Rory Goreé
Commissioner David Heiple
Commissioner Thomas Lawless

Also present:

Rudy Casillas, Racing Director
Deanie Reh, Assistant Attorney General
Kristian Fasching, Gaming General Council
Greg Stiles, Division of Racing
Cassie Goodwin, Commission Secretary
Camila Alarcon, Esq. (Agenda Item B.1 only)

B. Executive Session

The following item is for Executive Session purposes only:

1. *Simms v. Arizona Racing Commission, et al.*, Case No. LC2016-000505, Ronald A. Simms's Appeal to the Maricopa County Superior Court of the Arizona Racing Commission's Order to Reject the Gaming Director's Ruling to Grant a Racing License to Ronald A. Simms, Case No. 14A-020-RAC. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(4) in order to discuss or consult for legal advice with its attorneys.

Commissioner Lawless moved to go into Executive Session for legal advice. Commission Heiple second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock.)

Open Session recessed at 10:17 AM.
Open Session reconvened at 10:34 AM.

Commissioner Lawless moved to accept Ms. Alarcon's advice and proceed as directed. Vice Chair Goreé second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock.)

C. Old Business

The following Old Business item is for a status report, presentation, discussion, and possible action by the Commission:

1. Rillito Race Track Non-Payment of Source Market Fees to Other Permittees – Referral to Mediator or Office of Administrative Hearings; Escrow of Funds

The parties signed and submitted an Agreement 15 minutes before the Commission meeting was scheduled to begin. Commission Secretary, Cassie Goodwin, emailed the Agreement to the Commissioners for review.

Commissioner Lawless moved to accept the parties' resolution of the matter as outlined in the Agreement attached to Jaye Wells' email. Vice Chair Goreé second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock)

Greg Stiles addressed the Commission.

Vincent Francia, General Manager Turf Paradise, addressed the Commission.

Jaye Wells, Rillito Park Foundation addressed the Commission and read the Agreement into the record and assured the Commission that the funds for the horsemen have been placed in an escrow account.

Lloyd Yother, HBPA and Owner/Breeder addressed the Commission expressing concerns that the funds from this Agreement be in an escrow account that has a monthly statement sent to the HBPA; that the funds are for the 2019 race meet only (and not prior years); and that the HBPA receive a monthly accounting from Churchill Downs of the ADW funds.

D. Call to the Public

E. Announcements

The next regular Arizona Racing Commission meeting tentatively is scheduled for **Thursday, September 13, 2018, at 10:00 AM** in the Building Conference Room 250, 2nd Floor, located at 1110 West Washington St., Building Conference Room 250, 2nd Floor, Phoenix, Arizona. This is subject to change based on a quorum. For current information about the Arizona Racing Commission meeting schedule, please visit the Arizona Department of Gaming-Racing Division website (<https://racing.az.gov/racing-commission/commission-calendar-schedule>) or call Cassie Goodwin at 602-771-4263.

F. Adjournment

Commissioner Lawless moved to adjourn this meeting. Commission Heiple second. Motion Carried. (Ayes: Goreé, Lawless, Heiple, McClintock.) Meeting adjourned at 10:36 AM.